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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 DARREN A. LUNFORD,

Case No. 3:16-cv-00391-MMD-WGC

9 v.

Plaintiff,

ORDER

10 C.O. JOHN DOE,

11 Defendant.

12
13 Plaintiff, a *pro se* prisoner, previously submitted a civil rights complaint pursuant to
14 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).
15 Plaintiff now files a motion for voluntary dismissal. (ECF No. 3).

16 Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an
17 action without a court order by filing “a notice of dismissal before the opposing party
18 serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i).
19 The Court grants Plaintiff’s motion to voluntarily dismiss this action because no
20 responsive pleading has been filed in this case. As such, the Court dismisses this action
21 without prejudice.

22 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
23 (ECF No. 3) is granted.

24 It is further ordered that this action is dismissed in its entirety without prejudice.

25 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

26 DATED THIS 27th day of October 2016.



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28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE